IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 474 of 2005

Between:

L.K. Mohanty, S/o. Late Jayaram Mohanty, Hindu,
R/o. Railway Quarter No.13, Block No.4, 7th Battalian,
RPSF, NMDC Colony, Moulali, Hyderabad - 40.

..... PETITIONER

AND

1 Assistant Commandant -II, 7th Battalion,
Railway Protection Special Force, Moulali, Hyderabad.
2 A.H. Makandar, Company Commandar (Inspector / RPSF/
7th Battalian, Moulali, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 1st respondent in appointing the 2nd respondent as Regular departmental Enquiry Officer who is subordinate in rank to T. Krishnan Kuttty, Adjutant who conducted Fact Finding Enquiry in Charge Sheet No. 7/BN/A/DAR/MAJ/ 10/2004-4341, dt. 23-12-2004 of the 1st Respondent is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the Respondent No.1 to appoint the Enquiry Officer who is not below the rank of Assistant Commandant/Adjutant/Assistant Security Commissioner.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents 1 & 2: MR.GOURI SHANKAR SANGHI & MR. A.Krishnam Raju

The Court made the following :

ORDER:

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

In the main Writ Petition, the grievance of the petitioner is against the appointment of Regular Departmental Enquiry Officer, who is subordinate to another officer who conducted fact finding enquiry. In the counter affidavit filed by the respondents, it is now stated that subsequently they have changed the Enquiry Officer and appointed a fresh officer viz. T.K. Doraiswamy, Assistant Commandant, and the same was communicated to the petitioner as per letter dated 03.02.2005. In view of the same, the Writ Petition has become infructuous.

Accordingly, the Writ Petition is dismissed, as infructuous. No costs.

(B.Prakash Rao, J.)

08.04.2005

DRK

Copy to:

1 Assistant Commandant -II, 7th Battalion,
Railway Protection Special Force, Moulali, Hyderabad.
2 Two CD copies.